IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 5TH SEPTEMBER 2007 / 14TH BHADRA 1929

WP(C).No. 26313 of 2007(G)

PETITIONER:

SIVADAS P.J.,
2ND GRADE OVERSEER, PUBLIC WORKS DEPARTMENT,
N.H.SUB DIVISION, NORTH PARAVUR,
ERNAKULAM DISTRICT.

BY ADV. SRI.ANIL K.NARENDRAN

RESPONDENTS:
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1. THE STATE OF KERALA,
REP.BY THE SECRETARY TO GOVERNMENT,
PUBLIC WORKS DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE SECRETARY TO GOVERNMENT,
LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

3. THE CHIEF ENGINEER (ADMINISTRATION),
PUBLIC WORKS DEPARTMENT, THIRUVANANTHAPURAM.

4. THE CHIEF ENGINEER,
LOCAL SELF GOVERNMENT DEPARTMENT,
THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI. BIJOY CHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. Giri, J.

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W.P(C).No.26313 of 2007

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Dated this the 5th day of September, 2007.

JUDGMENT

Petitioner, who is aggrieved by Ext.P4 order of redeployment, on the ground that persons who are juniors are not yet redployed, has pointed out this aspect to the Chief Engineer vide Ext.P5. Reference is made to Clause 4 (xii) of Ext.P3 Government Order dated 4.7.2000, which was issued by the Government on the basis of the recommendations of the Committee on Decentralisation of Powers. The said Clause is extracted hereunder:

> "4. Government further order that the following general conditions would govern the administration of the Engineers and supporting staff deployed to local governments.
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> (i) to (xi) xx xx xx xx xx
>
> (xii) The deployment of staff would be based on their option. If there are more persons opting than the number of posts, seniority would be the sole

> criterion for deployment. Otherwise the principle of junior-most first would be followed. The options would be called for by the Heads of Department concerned. In the option form, the employee should indicate three places/Districts, in the order of preference, which he opts for being posted on deployment."

According to the petitioner, he was posted as 2nd Grade Overseer with effect from 27.9.1989. Petitioner had not opted for redeployment and therefore, according to the petitioner, the junior-most will have to go first. Petitioner contended that this principle has not been followed while issuing Ext.P4 in as much as persons, who are his juniors in the post of 2nd Grade Overseer and who are included in Ext.P2 provisional seniority list are yet to be redeployed, whereas the petitioner has been redeployed to the Local self Government Department as per Ext.P4 order. According to the petitioner, this is in violation of the Government Order and therefore, the matter requires reconsideration.

2. After hearing learned counsel for the petitioner as well as learned Government Pleader, I am of the view that the complaint raised by the petitioner as per Ext.P5 merits serious

consideration. In the circumstances, the Chief Engineer - third respondent shall look into the complaint raised by the petitioner as per Ext.P5 and take appropriate action within a period of one month from the date of receipt of a copy of this judgment. If the complaint raised by the petitioner is found to be substantiated and genuine, appropriate remedial action shall be taken by the Chief engineer without delay.

With the above directions, this Writ Petition is disposed of.

V.Giri,
Judge.

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